

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

In re:  PLYMOUTH OIL COMPANY, L.L.C.,  Debtor.	Chapter 11 Case No. 12-01403
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**IOWA CORN PROCESSORS' MOTION TO AMEND OR RECONSIDER THE  
COURT'S 10/28/13 ORDER (DOC 230)**

Plaintiff, Iowa Corn Processors, L.C., ("ICP") by and through the undersigned counsel, in support of its motion to amend or reconsider, states the following:

1. The Court entered a Memorandum and Order on October 28, 2013 (Doc 230) ("the Order") ordering that confirmation of the Debtor's Plan of Reorganization was denied, and further ordering that the Bridge Lenders' Motion for Relief from the Stay was granted.

2. In its Findings of Fact and Procedural Background, the Order states: "Debtor also had a loan from Iowa Corn Processors. The loan is secured by a second security interest in the cash collateral." (Doc 230, page 4).

3. On January 21, 2013 ICP filed an Adversary Complaint (Adversary Case No 13-09035) asserting that ICP's security interest in certain of the Debtor's assets is a first priority security interest, superior to any of the Defendants.

4. On September 4, 2013, ICP filed a Motion for Summary Judgment, supporting Brief and Statement of Undisputed Facts, on the issue of the priority of ICP's security interest in certain of the Debtor's assets, primarily vis-à-vis the security interests of the "Bridge Lenders" in the personal property of the debtor (Defendants VandeBrake, Sandbulte, Corn, Iowa Corn Opportunities, LC and Lake.) The hearing on ICP's motion for summary judgment is scheduled for November 8, 2013.

5. ICP respectfully requests that the Court amend or reconsider the Court's statement in the Order concerning the priority of ICP's security interest (set out in paragraph 2

above) to the extent that it suggests that the Court has made a finding of fact on ICP's priority status in the Order, which is a ruling on a Motion for Relief from Stay. This is particularly important given that an adversary proceeding regarding the issue of ICP's priority status is pending.

6. Additionally, in Section III of the Order, "Other Matters Pending Before the Court," the Order states:

"The Court notes that there are technically still some matters that could be considered pending before the Court. These include the Motion for Injunction filed by Mr. Hoffman which Debtor has Joined. Also, the Bridge Lenders' Motion for Abstention on the same issues involved in the injunction is also pending. The court concludes that these issues are effectively rendered moot by the above ruling. If the parties believe otherwise, they should file a motion asking the Court to amend or reconsider its ruling of mootness and/or its summary denial of the motions."

(Doc 230, p. 23)

7. ICP assumes that the Court's Order is not meant to be interpreted to state that ICP's Motion for Summary Judgment in its Adversary Proceeding is rendered moot by the Order. However, to the extent that the Order is subject to such interpretation, ICP respectfully requests that the Court amend or reconsider its Order.

WHEREFORE, Plaintiff Iowa Corn Processors, L.C. respectfully requests that this Court Amend or Reconsider its October 28, 2013 Order as follows:

(a) by striking the sentence "The loan is secured by a second security interest in the cash collateral." (Doc 230, page 4); and

(b) by stating that ICP's pending Motion for Summary Judgment is not among the pending motions rendered moot by the Order.

DICKINSON, MACKAMAN, TYLER & HAGEN, P.C.

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ATTORNEYS FOR CREDITOR,  
IOWA CORN PROCESSORS, L.C.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31st day of October, 2013, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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/s/ Sheryl L. Fountas  
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